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STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: **METHODS FOR IDENTIFYING SOMATIC CHANGES  
IN GENOMIC SEQUENCES USEFUL FOR CANCER  
DIAGNOSIS AND PROGNOSIS**

Application Ser. No.: **09/375,246**

Filed: **August 16, 1999**

Inventors: **Manuel Perucho and Sergei Malkhosyan**

Attorney Docket No.: **P-LJ 3597**

**THE BURNHAM INSTITUTE**, a **NONPROFIT ORGINIZATION**, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: October 14, 1999

Signature: *Cheryl A. Moore*

Name: Cheryl A. Moore

Title: Vice President,  
Administrative Officer

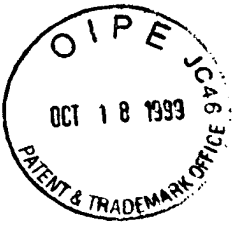


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STATEMENT UNDER  
37 C.F.R. § 3.73 (b)  
P-LJ 3597  
Serial No.: 09/375,246

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: ATTENTION BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231, on October 14, 1999.

By JAMES J. Wong  
James J. Wong, Reg. No. 34,949  
October 14, 1999  
Date of Signature



13  
POWER OF ATTORNEY BY ASSIGNEE  
P-LJ 3597  
Serial No.: 09/375,246

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By JAMES J. Wong  
James J. Wong, Reg. No. 34,949  
October 14, 1999  
Date of Signature



VERIFIED STATEMENT CLAIMING SMALL  
ENTITY STATUS  
P-LJ 3597  
Serial No.: 09/375,246

#3

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By

JAMES J. WONG

James J. Wong, Reg. No. 34,949

October 14, 1999

Date of Signature



RECORDATION SHEET AND ASSIGNMENT  
P-LJ 3597  
Serial No.: 09/375,246

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By JAMES J. Wong  
James J. Wong, Reg. No. 34,949  
October 14, 1999  
Date of Signature



#3

DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare  
that:

My residence, post office address and citizenship  
are as stated below next to my name.

I believe I am an original, first and joint inventor  
of the subject matter which is claimed and for which a patent  
is sought on the invention entitled **METHODS FOR IDENTIFYING  
SOMATIC CHANGES IN GENOMIC SEQUENCES USEFUL FOR CANCER  
DIAGNOSIS AND PROGNOSIS**, the specification of which

\_\_\_\_\_ is attached hereto as Attorney Docket  
No. \_\_\_\_\_.

  X   was filed on August 16, 1999, as  
Application Serial No. 09/375,246  
Attorney Docket No. P-LJ 3597)

and was amended on (or amended through) \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand  
the contents of the above-identified specification, including  
the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S.  
Patent and Trademark Office all information known to myself to  
be material to patentability as defined in Title 37, Code of  
Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to  
patentability when it is not cumulative to information already  
of record or being made of record in the application, and (1)  
It establishes, by itself or in combination with other

Inventors: Perucho and Malkhosyan  
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Filed: August 16, 1999  
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information, a prima facie case of unpatentability of a claim;  
or (2) It refutes, or is inconsistent with, a position the  
applicant takes in: (i) Opposing an argument of  
unpatentability relied on by the U.S. Patent and Trademark  
Office, or (ii) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United  
States Code, §119(e) of the United States application listed  
below:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/096,828	August 17, 1998	Abandoned

I hereby declare that all statements made herein of  
my own knowledge are true and that all statements made on  
information and belief are believed to be true; and further  
that these statements were made with the knowledge that  
willful false statements and the like so made are punishable  
by fine or imprisonment, or both, under Section 1001 of Title  
18 of the United States Code and that such willful false  
statements may jeopardize the validity of the application or  
any patent issued thereon.

Full name of first inventor: Manuel Perucho

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Manuel Perucho



October 7, 1999

13011 Candela Place

San Diego, California 92130

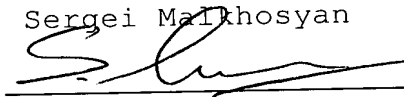
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Inventors: Perucho and Malkhosyan  
Serial No.: 09/375,246  
Filed: August 16, 1999  
Page 3

Full name of second inventor: Sergei Malkhosyan

Inventor's signature:



Date:

9/29/99

Residence:

5340 Toscana Way, #410

San Diego, California 92122

Citizenship:

Russia

Post Office Address:

\_\_\_\_\_



Attorney Docket No.: P-LJ 3597  
Applicants: Perucho and Malkhosyan  
Serial No.: 09/375,246

Filed: August 16, 1999

Title: METHODS FOR IDENTIFYING SOMATIC CHANGES IN GENOMIC  
SEQUENCES USEFUL FOR CANCER DIAGNOSIS AND PROGNOSIS



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) NONPROFIT ORGANIZATION**

---

I hereby declare that I am an official empowered to act on  
behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION: The Burnham Institute  
ADDRESS OF NONPROFIT ORGANIZATION: 10901 North Torrey Pines Road  
La Jolla, California 92037

TYPE OF NONPROFIT ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC  
501(a) and 501(c)(3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE  
OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE  
CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED  
STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER  
STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED  
IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified  
above qualifies as a nonprofit organization as defined in 37 CFR  
1.9(e) for purposes of paying reduced fees to the United States

Inventors: Perucho and Malkhosyan  
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Patent and Trademark Office regarding the invention entitled  
**METHODS FOR IDENTIFYING SOMATIC CHANGES IN GENOMIC SEQUENCES  
USEFUL FOR CANCER DIAGNOSIS AND PROGNOSIS** by inventors **Manuel  
Perucho** and **Sergei Malkhosyan** described in:

[ ] the specification filed herewith  
[X] application serial no. **09/375,246**, filed **August 16, 1999**  
[ ] patent no. , issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any persons, other than the inventors, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME:

ADDRESS:

[ ] INDIVIDUAL  
[ ] SMALL BUSINESS CONCERN  
[ ] NONPROFIT ORGANIZATION

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Serial No.: 09/375,246  
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Page 3

NAME:

ADDRESS:

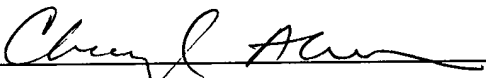
- ☐ INDIVIDUAL  
☐ SMALL BUSINESS CONCERN  
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

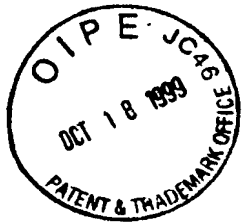
Name of Person Signing: Cheryl A. Moore  
Vice President  
Title in Organization of Person Signing: Chief Administrative Officer  
Address of Person Signing: The Burnham Institute  
10901 North Torrey Pines Road  
La Jolla, California 92037

Signature:



Date:

9-9-99



Handwritten initials or signature in the top right corner.

POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee, **The Burnham Institute**, is the owner of the entire right, title and interest of U.S. patent application Ser. No. **09/375,246**, filed on **August 16, 1999**, as attorney docket number P-LJ 3597, and entitled **METHODS FOR IDENTIFYING SOMATIC CHANGES IN GENOMIC SEQUENCES USEFUL FOR CANCER DIAGNOSIS AND PROGNOSIS**, and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; SUSAN M. PERKINS, Registration No. 36,405; PAUL C. STEINHARDT, Registration No. 30,806; GREGORY R. HOOK, Registration No. 38,701; DAVID SPOLTER, Registration No. 36,933; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ROBERT T. RAMOS, Registration No. 37,915; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; and DEBORAH L. CADENA, Registration No. 44,048.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
Suite 700  
San Diego, California 92122

Inventors: Perucho and Malkhosyan  
Serial No.: 09/375,246  
Filed: August 16, 1999  
Page 2

The undersigned is authorized to sign on behalf of  
the Assignee.

Signature:



Name (typed):

Cheryl A. Moore

Vice President

Title:

Chief Administrative Officer

Assignee:

The Burnham Institute

Date:

9.9.99